INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED, NON-HIT SHOOTING
IAB #SH2256034

URN: 009-11499-0374-055

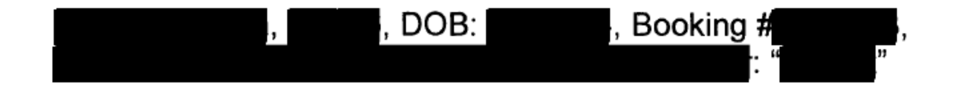
DATE / TIME: Monday, November 30, 2009, 2030 hours

LOCATION: [redacted] West 107th Street, Los Angeles, California, 90044 (Unincorporated County area of Vermont)

SUSPECTS: Ray Houston (A.K.A.: Michael Hess), MB/27, DOB: 11/29/82, Booking #2147290, "Hoover Criminals" gang member, moniker: "Sonny"

Eric Brown, MB/23, DOB: 04/16/87, Booking #2147721, "Hoover Criminals" street gang member, moniker: "Droopy"

Davon Williams, MB/24, DOB: 08/11/86, Booking #2147289, "Hoover Criminals" street gang member, moniker: "Taz"



INVOLVED PERSONNEL: Deputy Ronnie Perez, #[redacted], Unit W5G2, PM's
Deputy George Sakabu, #[redacted], Unit W5G1, PM's

Internal Affairs Bureau Sergeants Dinah Grote, Laura Haynes, and Lieutenant Roderick Kusch responded to the South Los Angeles Station area (formerly Lennox), where Operation Safe Streets Bureau Deputies Ronnie Perez and George Sakabu were involved in a shooting with three armed suspects during a traffic stop. Three of the four occupants inside the vehicle fled on foot after their exchange of gunfire with the deputies. The fourth occupant [redacted], remained inside the vehicle and he was arrested. Attorney Angelica Arias of the Office of Independent Review was also notified and responded.

Upon our arrival there was an active command post and containment of the area in search of the three outstanding suspects who fled from the vehicle. With the assistance of Aero Bureau and canine, the outstanding suspects were later located within the containment and arrested. Neither deputy personnel nor suspects sustained any gunshot injury.

Since the shooting involved Operations Safe Streets Bureau personnel in the South Los Angeles Patrol Station area, Lieutenant Rod Kusch checked to see that their Operations Lieutenant, Chris Marks, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Kusch checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators. The same information was passed on by Lieutenant Kusch to Lennox Station Sergeant [REDACTED], who was at the station.

SYNOPSIS:

On November 30, 2009, Operation Safe Streets Bureau, Detective Mark Marbach (recently promoted to the rank of sergeant. Hereafter, he will be referred to as Sergeant Marbach) who worked out of the South Los Angeles Station, was contacted by a [REDACTED] [REDACTED], Suspect [REDACTED].

Suspect [REDACTED] advised Sergeant Marbach that [REDACTED].

> **IAB Note:** This murder occurred on November 25, 2009, and is still under investigation by Sheriff's Department Homicide Detectives, Shaun McCarthy and Dawn Retzlaff.

> **IAB Note:** Suspect [REDACTED] A.K.A.: "[REDACTED]," was [REDACTED]

Suspect [REDACTED] told Sergeant Marbach that [REDACTED]

Based on the information provided, Sergeant Marbach notified his supervisors, and the Gang Surveillance Unit was contacted for the surveillance of "Hoover Criminals" gang members. As the surveillance team members arrived in the station's area, they were deployed into the area where the gang members were said be by Suspect [redacted] Surveillance Team Sergeant Anthony Rivera arrived at the station and was provided with the current information that Sergeant Marbach had. After taking notes and requesting that Sergeant Marbach get photographs and history work ups for the gang members, Sergeant Rivera went out into the field with his surveillance unit. Operating on a tactical frequency, Aero Bureau was requested to stand-by and members of the COPS team were also used for takedown of the suspect vehicle.


IAB Note: Suspect [redacted] was [redacted].

As the updates came into Sergeant Marbach, he relayed the information to surveillance team members, who would in turn, monitor the suspects movements based on the information provided. During the surveillance, personnel also learned the suspects would be armed with handguns and that they would be using a blue Lincoln Town Car for the shooting. The surveillance team's plan was to prevent a shooting. In doing so, a felony traffic stop would be conducted once the suspect vehicle left the residential streets. The traffic stop would be initiated by the four one-person takedown units on a main roadway.

Upon learning the suspects were leaving their location to go commit a shooting, the surveillance units advised the takedown units and Aero Bureau to come in closer to the area to stop the Lincoln Town Car. Once the suspect's direction of travel was determined, westbound on 105th Street toward Normandie Avenue, the takedown units were instructed to initiate the traffic stop on Normandie Avenue.

Deputies Ronnie Perez and George Sakabu parked their cars facing north on Normandie Avenue, just south of 105th Street, and waited for the westbound blue Lincoln Town Car. When the suspect vehicle approached the intersection, four male occupants were seen inside, and Suspect [redacted] was [redacted]. The suspect vehicle turned southbound onto Normandie Avenue, so Deputies Perez and Sakabu made a u-turn on Normandie Avenue and followed behind the suspect vehicle.

When the vehicle passed 106th Street, Deputy Perez turned on his red takedown light to initiate a felony traffic stop. The vehicle, [redacted] Suspect [redacted] sped up and immediately turned eastbound onto West 107th Street, back into the residential area. As Deputy Perez grabbed his vehicle's microphone to update his location with assisting units, the suspect vehicle abruptly stopped in the street in front of the residence at [redacted] West 107th Street.

Suspect Ray Houston exited the Lincoln's right rear passenger's door holding an Uzi-style, "Norinco" 9mm semiautomatic weapon. He pointed the gun at Deputy Perez and fired one round. The bullet struck the hood of Deputy Perez's marked radio car and ricocheted into the windshield, cracking the glass.

As Deputy Perez exited his door to take cover behind his patrol car, he saw that Suspect Williams exited the front right side passenger's door, and stood behind Suspect Houston. Suspect Brown exited the left rear passenger's door and pointed a black colored revolver at Perez, firing several rounds. Deputy Perez heard the bullets pass by him as he ran to the trunk area of his patrol car.

Fearing for his and Deputy Sakabu's safety, Deputy Perez fired twelve rounds from his 9mm semiautomatic Beretta, Model 92FS, pistol at Suspect Houston. Deputy Perez crouched down behind his vehicle and conducted a tactical magazine exchange. When he did this, Deputy Sakabu was able to fire three rounds at Suspect Brown from his .45 caliber, semiautomatic, Heckler & Koch, Universal Self-Loading Pistol.

Suspect Houston discarded the "Norinco," loaded with one bullet in the chamber and twenty-three bullets in the magazine, at the scene.

> **IAB Note:** It is believed that Suspect Houston's weapon jammed during the shooting.

Suspects Houston, Brown, and Williams fled on foot southbound through a driveway of an apartment complex, and out of view. Immediately, an area containment of the area was established. Later, the three outstanding suspects were located within the containment, and positively identified as the suspects by Deputies Perez and Sakabu. During an article search, a .38 caliber, "Taurus" revolver, was recovered. In the cylinder, it contained two live rounds and four expended cartridges. Also located were gloves, a beanie, a cellular phone, and keys.

Suspects Houston, Brown, and Williams have been filed on, but they have not yet had a preliminary hearing as this case has been attached to the murder being handled by Homicide Detectives McCarthy and Retzlaff. The [redacted].

After the shooting, and within the containment, a female accomplice ([redacted] FB/17) was seated inside Suspect Houston's vehicle, which was parked one street away from where the shooting was to occur, by Suspect Houston, against the targeted rival gang. She was also arrested and charged with conspiracy and attempt murder in this incident. [redacted].

During this incident, no one was struck by the gunfire, which occurred in a residential neighborhood. The deputies' bullets struck the roadway, the black and white patrol car, the suspect's car, a parked van, and a wrought iron fence along the southern sidewalk at [redacted].

INVOLVED PERSONNEL:
PEREZ, Ronnie A.
Deputy Sheriff, Employee #[redacted]
F.O.R. II/Operation Safe Streets Bureau-Gang Surveillance Unit

WORK HISTORY:

Date of Employment:	01/27/2000
Date assigned to OSSB:	08/26/2007
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

INVOLVED PERSONNEL:
SAKABU, George M.
Deputy Sheriff, Employee #[redacted]
F.O.R. II/Operation Safe Streets Bureau-Gang Surveillance Unit

WORK HISTORY:

Date of Employment:	02/06/1985
Date assigned to OSSB:	11/19/2000
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

SUSPECT INFORMATION:
HOUSTON, Ray NMN, MB/27, DOB: 11/29/82, 5' 09", 180 lbs.

CII #[redacted], CCHRS #[redacted], MAIN #[redacted], FBI #[redacted].

A check of the CCHRS (Consolidated Criminal History Reporting System) revealed [redacted].

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BROWN, Eric Sean, MB/23, DOB: 04/16/87, 5' 07", 170 lbs.

CII #, CCHRS #, MAIN #, FBI #.

A check of the CCHRS (Consolidated Criminal History Reporting System) revealed

WILLIAMS, Davon Lee, MB/24, DOB: 08/11/86, 5' 07", 160 lbs.

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CII #, CCHRS #, MAIN #, FBI #.

A check of the CCHRS (Consolidated Criminal History Reporting System) revealed

, /, DOB: ,

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CII #, CCHRS #, MAIN #, FBI #.

EMPLOYEE WITNESS:

MARBACH, Mark J.
Sergeant, Employee #[redacted]
Field Operations II/West Hollywood Station - Patrol

RIVERA, Anthony NMN
Sergeant, Employee #[redacted]
F.O.R. II/Operation Safe Streets Bureau - Gang Surveillance Unit Sergeant

NON-EMPLOYEE WITNESSES:

None.

INJURIES:

There were no civilian, deputy, or suspect injuries as a result of the shooting.

PHYSICAL EVIDENCE:

Located in the street near the black and white radio car and the unmarked grey "slick" car, were 12 expended 9mm shell casings, one live 9mm round, two expended .45 caliber shell casings, and one Beretta magazine containing two live rounds. Near two parked vehicles at the curb line in front of [redacted] W. 107th Street, were two recovered bullets, one expended 9mm shell case, one "Norinco" 9mm Luger caliber, semiautomatic pistol. The pistol's safety was off and the bolt forward, with a seated magazine containing twenty-three 9mm Luger caliber rounds, and one live round in the chamber. Also, there were only three bullets recovered, which were located in a van, on the sidewalk, and on the roadway.

Located along the area of the suspect's flight path, was a loaded "Taurus," .38 caliber revolver. The gun was recovered with the hammer down, the cylinder closed, and it contained two live and four expended.38 Special caliber shell casings. Firearms Examiner Tracy Peck collected the recovered firearms. Refer to her supplemental report, presented as ***Exhibit N***.

Also, recovered was a beanie, gloves, cellular phone, clothing, and keys. For further regarding the collection of evidence, refer to the supplemental reports, presented in ***Exhibit K***.

The evidence was photographed and collected by Forensic Identification Specialist Robert Lio, who documented the evidence through a sketch and measurements (Legend).
For further, refer to Mr. Lio's supplemental report in ***Exhibit P***, along with a CD containing photographs of the crime scene, ***Exhibit Q***.

INVESTIGATORS' OBSERVATIONS:

The area of this incident, [redacted] West 107th Street, is a west/east street, in a residential neighborhood comprised primarily of single family dwellings and multi unit apartments. There is curbside parking on both the north and south sides of the street, along with a sidewalk with a raised curb. From the address, going westbound, the street comes to an end and turns into a "T" intersection at Normandie Avenue. Normandie Avenue is a north/south bound street and the intersection is controlled by street lights. Normandie Avenue is a main thoroughfare mostly. For further description of the scene, refer to the Diagram, presented in ***Exhibit Q***.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Ronnie Perez carried his duty firearm, a 9mm Luger caliber, department-issued, Beretta, Model 92FS, semiautomatic, serial #BER[redacted], with "WIN" 9mm Luger brand ammunition. Deputy Perez carried his weapon with 15 rounds in the magazine and one in the chamber. During the incident, he fired 12 rounds. Following the shooting, Deputy Perez's handgun was recovered. He had 15 live rounds in his magazine and one in the chamber. The ammunition did not appear to be modified in any way.

The handgun and ammunition were submitted to Firearms Examiner Tracy Peck at the scene under receipt number K100542. She later test fired the firearm and found it to be functional and within department standards. For further, refer to her supplemental report, presented as ***Exhibit O***.

Previous to this shooting, Deputy Perez last qualified with his firearm on [redacted]. For further, refer to his Weapons, Shooting, and Training Records, presented as ***Exhibit E***.

Deputy George Sakabu carried his duty firearm, a .45 caliber, department-approved Heckler and Koch, Model USP, semiautomatic, serial #[redacted], with "Winchester 45 Auto" head stamp brand ammunition. Deputy Sakabu carried his weapon with 12 rounds in the magazine and one in the chamber. During the incident, he fired three rounds. Following the shooting, Deputy Sakabu's handgun was recovered and he had nine live rounds in his magazine and one in the chamber. Five rounds were head stamped "Winchester 45 Auto," and five had a "Win 45 Auto +P" head stamp. The ammunition did not appear to be modified in any way. The handgun was equipped with a "Surefire" light.

The handgun and ammunition were submitted to Firearms Examiner Tracy Peck at the scene under receipt number K100542. She later test fired the firearm and found it to be functional and within department standards.
For further, refer to Peck's supplemental report, presented as ***Exhibit O***.

Deputy Sakabu was trained and authorized to carry the Heckler & Koch handgun on [redacted].

Previous to this shooting, Deputy Sakabu last qualified with this firearm on [redacted] [redacted]. For further, refer to his Weapons, Shooting, and Training Records, presented as ***Exhibit G***.

WEAPON USED BY THE SUSPECT:

Suspect Houston shot at least one round at deputies using a 9mm Luger caliber, "Norinco" handgun. The handgun had one chambered round and was seated with a magazine which contained 23 live rounds. For further, refer to the Firearms Examiner Report listed in ***Exhibit N***, and (5) photographs taken of the recovered weapons, presented in ***Exhibit R***.

Suspect Brown shot four .38 caliber rounds at the deputies using a "Taurus" revolver. For further, refer to the Firearms Examiner Report listed in ***Exhibit N***, and (5) photographs taken of the recovered weapons, presented in ***Exhibit R***.

Suspect Williams possessed a .40 caliber semiautomatic handgun, but this weapon was not located during the article search.

IAB Note:



PROPERTY DAMAGE:

The black and white patrol vehicle (SD7245) had a bullet strike to the hood, windshield, and right side quarter panel.

The suspect's vehicle, a blue Lincoln Town Car, had a bullet hole on top of the rear bumper cover.

A parked Toyota EFI van had a bullet hole in the rear cargo door that passed through the door and entered a bag within the cargo space.

A wrought iron fence located on the north property line at [redacted], had a bullet strike to one of the vertical posts.

The roadway was struck by a bullet impact just south of the black and white patrol car.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	Sergeant Mark Marbach and Homicide Detectives Shaun McCarthy and Dawn Retzlaff
Court:	Inglewood Courts
Charges Filed:	664/187 PC and 182 PC
DA Case Number:	YA078583

On July 15, 2010, Deputy District Attorney Lowell Anger filed the above charges against Suspects Houston, Brown, and Williams. The preliminary hearing has not yet been set. For further, refer to the District Attorney's filing Complaint listed under ***Exhibit Z***.

LIGHTING AND WEATHER CONDITIONS:

It was a clear, cool, and overcast night. The shooting location was well lit by a posted overhead street light, located approximately ten feet east of the suspect vehicle on the south curb line. Also, the black and white patrol vehicle's headlamps and drivers' spotlight was on during the shooting.

INVOLVED EMPLOYEE STATEMENTS:

Deputy Ronnie Perez *was interviewed by IAB Sergeant Dinah Grote on September 1, 2010, at 0942 hours, at the IAB Commerce office. He was represented by Anna Slotky from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the* ***Transcriptions*** *section of the casebook.*

Deputy Perez said that Deputy Sakabu and he were assisting the Gang Surveillance Unit regarding a possible gang related shooting investigation. He was in a marked black and white patrol unit and Deputy Sakabu was in an unmarked Ford Crown Victoria. He and Deputy Sakabu were assigned to conduct a felony traffic stop on four male occupants who were possibly armed with firearms, and possibly going to commit a shooting against a rival gang.

Deputy Perez was parked behind Deputy Sakabu facing northbound on the east curb line on Normandie Avenue, south of 105th Street. They were instructed to conduct a felony traffic stop of the vehicle when it tuned onto Normandie Avenue. The suspect vehicle drove westbound on 105th Street and stopped at the red traffic signal at Normandie Avenue. The occupants looked southbound in their direction. After the light turned green, the suspect vehicle turned southbound onto Normandie Avenue.

Making a u-turn, Deputy Perez turned southbound on Normandie Avenue and got behind the suspect vehicle, followed by Deputy Sakabu.

As Deputy Perez activated his vehicle's solid red light on Normandie Avenue, the suspect vehicle sped up, then immediately turned eastbound onto 107th Street into the residential area. Deputy Perez grabbed his vehicle's microphone to advise assisting units of his location. As he did this, the suspect vehicle came to an unexpected and abrupt stop.

Upon the vehicle abruptly stopping, Deputy Perez had to immediately stop as well. As Deputy Perez put his vehicle into "park," he saw the right rear passengers' door open and Suspect Houston exited the vehicle, holding what Deputy Perez believed at the time was a rifle, with both hands. Suspect Houston raised the firearm and pointed it in Deputy Perez's direction, firing at least one round at Deputy Perez.

> **IAB Note:** The weapon turned out to be a "Norinco," 9mm Luger, semiautomatic, with a high capacity magazine. For further, refer to the photographs taken of the recovered weapons, **Exhibit R**.

Approximately 25 feet from Suspect Houston, Deputy Perez saw the muzzle flash coming from Suspect Houston's weapon and saw the round strike the windshield of his vehicle, cracking it. Fearing for his safety and taking cover, Deputy Perez exited the patrol car and ran to the back of his vehicle. As Deputy Perez ran, he saw Suspect Williams had exited the front right side passenger's door, but he could not see if he was armed with a weapon. He saw Suspect Brown exit the left rear passenger's door holding a black colored revolver and he continued to hear four to five more rounds being fired from the suspects' direction.

Fearing for his and Deputy Sakabu's safety, Deputy Perez fired approximately ten rounds in rapid succession at Suspect Houston, from the trunk area of his vehicle, while moving toward the right rear bumper area of his vehicle to maintain his line of fire with Suspect Houston. Also, he said because Deputy Sakabu was to his left side, he wanted to be out of his (Sakabu's) line of fire. Deputy Perez stated that he conducted a tactical magazine exchange somewhere behind the rear portion of the vehicle.

Deputy Perez saw Suspects Houston, Brown, and Williams take cover behind a blue van (east side) that was parked along the south curb line, parallel to the suspect vehicle. The suspects then ran southbound through the driveway of an apartment complex, and out of view.

Immediately, Deputy Perez advised the Sheriff's Communication Center of his shooting and he began to establish a containment of the suspects. Aero Bureau arrived on scene in seconds. Within the containment three individuals were stopped and contacted by assisting units. All three were identified as the suspects.

For further, refer to the supplemental reports regarding the location of the suspects and field show-ups, presented as ***Exhibits H, I, and J***.

> **IAB Note:** During this shooting, Deputy Perez fired 12 rounds from his handgun. During his tactical magazine exchange, one live round was extracted and fell to the ground. Two live rounds remained in his discarded magazine.

Deputy Perez estimated that from the time he made the u-turn, to get behind the suspect vehicle, to the time of the shooting was approximately ten seconds. He estimated the suspects shot a minimum of six rounds at them.

For further, refer to Deputy Perez's supplemental report, listed as ***Exhibit D***. Prior to the shooting, Deputy Perez last qualified with his firearm on [redacted]. For further, refer to his Weapons, Shooting, and Training Records, presented as ***Exhibit E***.

Deputy George Sakabu *was interviewed by IAB Sergeant Dinah Grote on September 1, 2010, at 1107 hours, at the IAB Commerce office. He declined representation during the interview. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the* ***Transcriptions*** *section of the casebook.*

Deputy Sakabu stated [redacted]. Upon his arrival to Lennox Station, Deputy Sakabu and a couple other surveillance team members were present when Detective Marbach provided them information about the [redacted].

After being briefed, Deputy Sakabu went into the field in his unmarked detective vehicle that is equipped with lights and sirens. Deputy Sakabu stated he waited in the general area of the suspect's location, along with his partner, Deputy Perez who was in a marked black and white Sheriff's patrol car. Deputy Sakabu stated their role was to initiate a felony traffic stop on the suspect when it was determined the suspects were leaving to commit the shooting. They were advised the suspects would be armed with handguns.

After being advised the suspect's were leaving, Deputies Sakabu and Perez, and the two other takedown units, were instructed to move in closer to the area to conduct the traffic stop. Sakabu and Perez drove north on Normandie Avenue, and stopped along the east curb line, just south of 105th Street on Normandie Avenue.

Deputy Sakabu said Deputy Perez was stopped behind his vehicle (south) while they waited for the suspect vehicle that was traveling on 105th Street westbound. He said two other takedown units were parked north of them on Normandie Avenue, just north of 105th Street.

Deputy Sakabu said the information they received was that the suspect vehicle was to travel north on Normandie Avenue from 105th Street and that they were armed. When the suspect vehicle arrived at the intersection, it came to a stop at the traffic signal and the four occupants looked in their direction.

Deputy Sakabu stated the suspect vehicle turned southbound onto Normandie Avenue. Deputy Perez then made a u-turn on Normandie Avenue, behind the suspect vehicle, followed by Deputy Sakabu. The suspect vehicle started to accelerate and Deputy Perez activated his emergency lights in an attempt to get the vehicle to yield. The suspect vehicle then accelerated and turned eastbound onto West 107th Street, passing several residences, then almost immediately came to a stop in the street. After the vehicle stopped, Suspect Houston exited the right rear passenger's door with an "Uzi" type weapon.

> **IAB Note:** Deputy Sakabu believed that when the suspect vehicle accelerated and turned eastbound onto West 107th Street, it appeared that they wanted to get back into their neighborhood so they could "bail out" of the car and run. He stated that his mind set at the time was that the suspects were going to "toss" their weapons and run, which he based on his experience in dealing with gang members on nearly an every day basis.

Deputy Sakabu was just exiting his vehicle when he saw a muzzle flash coming from Suspect Houston's gun and heard a gunshot come from Houston's direction. Suspect Brown then exited the left rear passenger's door armed with a revolver. He also began shooting in Deputy Sakabu's direction, while a third male, Suspect Williams, exited the front passenger's side door. Deputy Sakabu saw that Deputy Perez exited his patrol vehicle and ran back to take cover behind his (Perez's) trunk area. Almost simultaneously, he saw Deputy Perez shoot in rapid succession toward the suspects as the suspects were shooting at them.

Deputy Sakabu stated he could not immediately fire any rounds at the suspects because Deputy Perez was in his line of fire, but then Deputy Perez crouched down and moved to the right side of the trunk area.

Fearing for his and Deputy Perez's safety, while standing between the driver's door and door frame of his vehicle, Deputy Sakabu fired three deliberate, and consecutive, rounds at Suspect Brown from a distance of approximately 60 feet. When Suspect Brown moved out of his line of fire, he stopped firing. After the exchange of gunfire, the suspects ran southbound through the adjacent properties and out of sight.

Via his radio, Deputy Sakabu advised area units of the shooting and a containment was initiated. He said within five to ten seconds Aero Bureau was on scene illuminating the area and the containment. [redacted], Suspect [redacted] was taken into custody without incident. Within the containment, three individuals were stopped and contacted by assisting units. All three were identified by Deputy Sakabu as the suspects. For further, refer to the supplemental reports regarding the location of the suspects and field show-ups, presented as ***Exhibits H, I, and J***.

Deputy Sakabu stated he had an M4 rifle secured in the trunk of his vehicle, but he did not have the opportunity to retrieve it prior to the traffic stop or operation because of the active surveillance of the suspects and their vehicles. He said he heard the suspects' bullets "whiz" by him. He was unsure about the amount of rounds fired by the suspects because Deputy Perez was also shooting. He said that ideally it's better to have one two-person unit conduct a felony traffic stop. He said this situation arose because the team was called [redacted], they arrived at different times in their work vehicles, and there was no opportunity to double up as they monitored the suspects' movements/activities.

Deputy Sakabu estimated that from the time the suspect vehicle turned onto 107th Street to the time of the shooting was two to three seconds. For further, refer to Deputy Sakabu's supplemental report, listed as ***Exhibit F***. Previous to this shooting, Deputy Sakabu last qualified with this firearm on [redacted]. For further, refer to his Weapons, Shooting, and Training Records, presented as ***Exhibit G***.

<u>EMPLOYEE WITNESS STATEMENTS:</u>

Sergeant Mark Marbach *was interviewed by IAB Sergeant Dinah Grote on September 7, 2010, at 1030 hours, at the IAB Commerce office. He declined representation during the interview. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the* ***Transcriptions*** *section of the casebook.*

Sergeant Marbach stated that at approximately 3:00 or 4:00 P.M., the day of the shooting, he received information from a [redacted]

Marbach said

Upon contacting his supervisors and notifying the Gang Surveillance Unit, Sergeant Marbach received a series of messages, and/or cellular phone calls, from . During the updates, the Gang Surveillance Unit and COPS team arrived and were deployed to specific areas in the field based on the information that was provided. A tactical frequency, Mutual Aid 2, was utilized during this operation. For the audio radio transmissions for Mutual Aid 2, refer to the CD, presented as ***Exhibit X***, and for the emergent radio transmissions and containment on Dispatch 12, refer to the CD presented as ***Exhibit Y***.

Sergeant Marbach said Sergeant Rivera met up with him at Lennox Station and they verbally came up with a tactical plan based on the information they had at hand, which was to watch the suspect's present location and wait for additional information to be provided by Suspect During this operation, each of . He also learned that the suspects were in possession of a .38 caliber handgun, which had possibly been used in a murder five days prior. Aero Bureau was notified and they remained outside the general target area, yet close by.

In between the updates, Sergeant Marbach was filling in areas of the operations plans, but had not completed it. He stated he was multitasking with the gathering of information regarding possible suspect vehicles, license plate numbers, identity of gang members, and their monikers. When updates were given to Sergeant Marbach he relayed it to the surveillance team out in the field who monitored their activity. This occurred up to the point when advised Sergeant Marbach that they were leaving to do the shooting using the Lincoln Town Car. Shortly after relaying this information to the surveillance unit, a deputy-involved shooting occurred. Sergeant Marbach responded from the station to the crime scene.

> **IAB Note:** Sergeant Marbach said he did not recall if he learned of the "UZI" style weapon (The Norinco 9mm semiautomatic handgun) from

Sergeant Marbach stated . For further, refer to the Incident Report in ***Exhibit A***, Sergeant Marbach's supplemental report in ***Exhibit B***, and the Operations Plan, presented as ***Exhibit C***.

***Sergeant Anthony Rivera** was interviewed by IAB Sergeant Dinah Grote on September 14, 2010, at 0912 hours, at the IAB Commerce office. He declined representation during the interview. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the **Transcriptions** section of the casebook.*

Sergeant Rivera stated he was contacted and responded to Lennox Station regarding the surveillance of gang members who intended to shoot rival gang members. Upon his arrival at Lennox Station, he met up with Sergeant Marbach and was advised of the suspects' location and gang affiliation. Because the situation was active, Rivera's team members were immediately deployed into the field, to the target location, where they visually monitored the suspect's movements and waited for updates from the [redacted] [redacted]. He stated that because his team members were off-duty and called into work, they arrived at different times from different areas, so there was no opportunity to pair up the takedown cars.

After getting all the available intelligence on the gang and its members, Sergeant Rivera went into the field to assist his team. He said there was rumor that the suspects were looking to get a rifle for the shooting, but other than the handguns, no other weapons were confirmed.

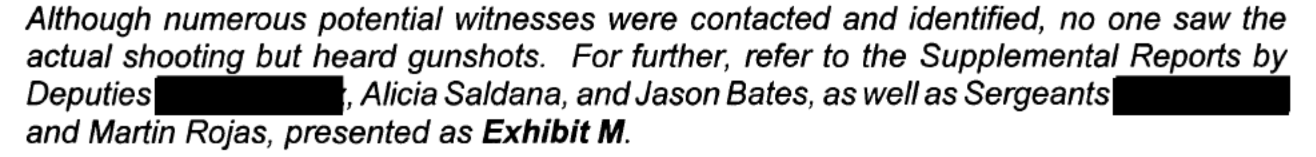
Sergeant Rivera stated the plan was to prevent a shooting and to takedown the suspect vehicle on a main roadway, away from their residential area. After being advised that the suspects were leaving to do their shooting, and watching the suspect vehicle drive off, the takedown units and Aero Bureau were instructed to come in closer off the perimeter for a quicker takedown. The takedown units were then instructed to initiate a felony traffic stop of the vehicle on Normandie Avenue after it turned northbound. This changed when the suspect vehicle turned southbound instead, causing a delay by the other two takedown units.

Sergeant Rivera said that during the incident, the suspects were active in that they would leave their location in one vehicle scouting for their targets and return. Then they would leave in another vehicle to pick up supplies or weapons, and return back to their location. He said all the activity lead up to their plan to commit a shooting.

Sergeant Rivera said the use of the M4 rifle is strictly up to the user. He said in this situation there was no indication that the suspects were in possession of a rifle. Also, he said at the time of the shooting, he believed the deputies' vehicles did not have locks for the M4s in the interior of their cars. He added that personnel now have the locks for their vehicles.

Sergeant Rivera estimated it would have taken Sergeant Marbach forty-five minutes to type an operations plan. Sergeant Rivera said that he and his team needed to be in the field to monitor the suspects' activities, so he wrote down the pertinent information provided by Sergeant Marbach in his notebook. As his team monitored the suspects' activities, he continued to write down copious notes in his notebook, which he said contained more information than what is required in an operations plan. Sergeant Rivera submitted his notebook to the District Attorney's office.

NON-EMPLOYEE WITNESS STATEMENTS:



*Although numerous potential witnesses were contacted and identified, no one saw the actual shooting but heard gunshots. For further, refer to the Supplemental Reports by Deputies , Alicia Saldana, and Jason Bates, as well as Sergeants and Martin Rojas, presented as **Exhibit M**.*

SUSPECT STATEMENTS:

*After the incident, Suspects Houston, Brown, and Williams, were interviewed by handling detective, Sergeant Mark Marbach. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files or the CD, presented as **Exhibit W**. Below is a summary of their statements. For the complete summary of the interviews, refer to Sergeant Marbach's supplemental report in **Exhibit B**.*

Suspect Ray Houston (booked as Michael Hess) stated he was arrested on 109th Street, while en route to meet a girl. After he avoided answering questions about the incident, he stated he no longer wanted to talk.

Suspect Eric Brown stated he was asleep inside the van when the deputies detained him. After Sergeant Marbach asked Suspect Brown what he was doing before he was sleeping, he did not want to talk any further.

Suspect Davon Williams declined to talk with Sergeant Marbach about his arrest. When the detectives began to exit the room, Suspect Williams started to talk. Essentially, he stated he was coming from his grandmother's house on his way home when he was detained by the deputies. He denied being involved in the shooting incident.



MISCELLANEOUS SECTION:
None.